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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,455

01/05/2007

Valerio Accerenzi

2149-198

9035

23117

7590

06/09/2009

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EXAMINER

AVERY, BRIDGET D

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,455	<b>Applicant(s)</b> ACCERENZI, VALERIO	
	<b>Examiner</b> BRIDGET AVERY	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/19/06 &amp; 1/5/07</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted including heading information for a different application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 30-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 30, line 3, the recitation of "a seat or saddle" is indefinite.
4. In claim 37, the recitation of "two cross plies cross plies" is unclear.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-35 and 37-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riele et al. (US Patent 6,771,034) in view of Aoki et al. (US Patent 5,431,208).

Riele et al. teaches an electric toy vehicle intended for being driven by a child driver while playing including: a seat (15) for the child driver; at least two wheels (18), at least one of which being a driving wheel; an electric motor (44); a speed reducer (52) which transmits movement to said at least one driving wheel; a rechargeable power supply battery (48) for powering said electric motor (44) and moving the electric toy vehicle; where: the vehicle also includes an electronic control system configured to regulate the power supply voltage to the electric motor (44); the electronic control system also includes means for regulating vehicle acceleration in a manner substantially independently of the load transported by the vehicle, in accordance with a suitable acceleration ramp. Re claim 32, see col. 5, lines 19-33. Re claim 33, see col. 13, lines 43-66. Re claim 34, see col. 7, lines 1-17. Re claim 35, see col. 12, lines 1-27, 40-44.

Riele et al. lacks the teaching of a tire on a rim.

Aoki et al. teaches a radial tire on a rim. The tire being a rubber carcass including two cross plies with cords made of nylon.

Based on the teachings of Aoki et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to replace the wheels of Riele et al. with tires to enhance the performance and appearance of the vehicle. Re

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claims 38 and 39, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum value or workable ranges of a result effective variable.

6. Claim 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riele et al. (US Patent 6,771,034) in view of Norman et al. (US Patent Application Publication 2002/0121395).

Riele et al. teaches the features described above.

Riele et al. lacks the teaching of a disabling function.

Norman et al. teaches a disabling function.

Based on the teachings of Norman et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a disabling function to the control system of Riele et al. for safety.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barrett shows a children's ride-on vehicle with an auxiliary control mechanism.

Harris shows a switch for use in ride-on vehicles for children.

Sitarski et al. shows a children's ride-on vehicle with mechanical speed control.

Edmonds, Jr. shows a speed controller for a vehicle.

Wild shows pneumatic tires.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIDGET AVERY whose telephone number is

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(571)272-6691. The examiner can normally be reached on Monday-Thursday from 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis, can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bridget Avery/

Examiner, Art Unit 3618

***/Christopher P Ellis/***

***Supervisory Patent Examiner, Art Unit 3618***